

REQUEST FOR COUNCIL ACTION

SUBJECT: C-M District Text Amendment

SUMMARY: C-M District Text Amendment; Text Amendment – Amend the West Jordan City 2009 City Code, Title 13, Zoning Regulations, Section 13-5E-3 amending the Permitted and Conditional Uses Table for Heavy Commercial Zone; City-wide applicability; Dan Milich, Foursquare Properties Inc. (applicant) [Nannette Larsen #TA20150003]

FISCAL IMPACT: None.

STAFF RECOMMENDATION: Based on the analysis and findings contained in the Staff Report, Staff recommends that the City Council amend the 2009 City Code for the Heavy Commercial Zone (C-M) to permit “Gasoline Service Stations”.

PLANNING COMMISSION RECOMMENDATION: On July 7, 2015, the Planning Commission in a 6 to 1 vote recommended that the City Council approve the request to amend the text to permit “Gasoline Service Stations” in the Heavy Commercial (C-M) Zoning District.

MOTION RECOMMENDED: “Based on the information and findings set forth in this staff report and upon the evidence and explanations received today, I move that the City Council approve the text amendment to Title 13 of the 2009 City Code to permit “Gasoline Service Stations” in the Heavy Commercial (C-M) Zoning District.

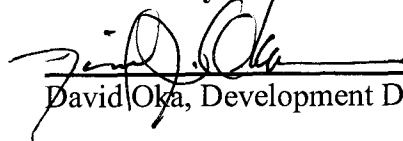
Roll Call vote required

Prepared by:



Nannette Larsen, Associate Planner

Reviewed by/Concur with:



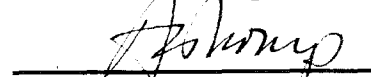
David Oka, Development Director

Recommended by:



Bryce Haderlie, Interim City Manager

Reviewed as to legal form:



Robert Thorup, Deputy City Attorney

I. BACKGROUND

Foursquare Properties (the applicant) is proposing to amend the 2009 City Code to allow for “gasoline service station” types of uses in C-M Zoning Districts. The proposed amendments will only affect Section 13-5E-3 in the City Code, the Permitted and Conditional Land Use table.

While the proposed amendment is not specifically limited to any specific scenario of development, the intent of the amendment is to develop the site located at 4606 West 7800 South (the north-west corner of 7800 South and Airport Road) as a gas station and convenience store.

II. GENERAL INFORMATION & ANALYSIS

Gasoline Service Stations are presently not permitted in the C-M Zoning District. The other commercial districts in Section 13-5E of the City Code: C-G, SC-1, SC-2, and SC-3 all include this type of use as permitted within their respective districts.

In Section 13-2-3 of the City Code, it provides the following definition for “gasoline service station”:

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products. This definition includes gasoline sales conducted as part of a convenience store.

This current definition will remain the same.

The text amendment has the potential to affect 3 separate locations within the City. The first is along Airport Road, the C-M zone is constrained to the single parcel at 4606 West 7800 South. The second section is on the south-west corner of 7800 South and 1300 West, this area includes all of the older manufacturing businesses on this corner. The C-M district also comprises of the general area of Old Bingham Highway and east of Mountain View Corridor; overall this district includes approximately 32 parcels.

III. TEXT AMENDMENT REQUEST

The amendment will modify the land use table of Section 13.5E.3 by permitted “gasoline service station” uses in the C-M district. The modified section of the ordinance will read:

13-5E-3 PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C

Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	P	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			

Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			

Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

IV. FINDINGS OF FACT

Section 13-7-D-7B, requires that prior to making a positive recommendation to the City Council for a Zoning Code text amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The subject zoning district is within the commercial section of the Comprehensive General Plan – more specifically the Regional Commercial section. Applicable policies of the General Plan, in accordance with the proposed text amendment are as follows:

Goal 1. Evaluate and update sections of the Zoning Ordinance relating to commercial development.

Policy 1. Develop an identifiable hierarchy of commercial areas within the city comprised of neighborhood commercial, community commercial, and regional commercial nodes.

Implementation Measures

4. Expand the permitted and conditional uses within the Heavy Commercial (C-M) zoning district to allow for a more flexible and economically viable district.

The proposed text amendment is directly supported by the General Plan's goals and policies. Foursquare Properties is petitioning for the amendment in order to allow the property at the corner of 7800 South and Airport Road to be more flexible to potential land uses; this amendment will also allow other properties to be developed in the C-M district which will meet the needs of the community.

Finding: The proposed amendments will conform to the General Plan and will be consistent with the adopted goals, objectives and policies described therein.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: The proposed text amendment concerns the Heavy Commercial (C-M) zoning district. The purpose of this district is to assist in transitioning between industrial areas and lighter commercial or residential districts. The Heavy Commercial district is considered to be a more use intense district than other commercial districts such as the Regional Shopping Center (SC-3), Community Shopping Center (SC-2), and Neighborhood Shopping Center (SC-1). Presently, however, all of the commercial zoning districts allow "gasoline service station" as a permitted use.

The subject use is largely a retail type of use as gasoline service stations allow for retail sales of fuel and convenience store sales. Other retail types of services are permitted in the Heavy Commercial district.

Finding: The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: The proposed amendment will only affect the C-M land use table by changing "gasoline service station" from not permitted to permitted in the C-M zoning district. All other standards and land use criteria will remain the same.

Various locations within the C-M zoning designation are also within overlay districts which will further limit potential uses. The proposed text amendment will not affect land use standards for property in overlay districts.

Finding: The proposed amendment will not create a conflict with any other section or part of this title or the general plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: The proposed amendment will alter sections of the City Code which affect every Heavy Commercial (C-M) zoning district within the City which in turn will mostly affect 32 parcels scattered throughout the City. The Heavy Commercial district resides in the Commercial Zones section of the 2009 City Code. Other districts within this section presently allow gasoline service stations in their respective districts.

Finding: The proposed amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

Conclusion:

The proposed Text Amendment to allow “gasoline service station” in the C-M Zone is in harmony with other uses that currently are allowed within the zone and will not conflict with state law or other provisions to this code.

V. ATTACHMENTS:

- Exhibit A – C-M Zoning District
- Exhibit B – Letter of Intent
- Exhibit C- Applicant’s Narrative
- Exhibit D – Text Amendment
- Exhibit E – Planning Commission Minutes
- Exhibit F – Application

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 15- 20
[GASOLINE SERVICE STATION]

AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13, Chapter 5 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 13, Chapter 5, Article E, Section 3 of the 2009 City Code shall hereafter read as follows:

13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	P	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P

Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC

Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

(2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 5-14-2014; Ord. 15-____, 08-12-2015)

Section 2. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 3. This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 12th day of August, 2015.

CITY OF WEST JORDAN

By: _____
KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council

“AYE”

“NAY”

Council Member Jeff Haaga
Council Member Judy Hansen
Council Member Chris McConnehey
Council Member Chad Nichols
Council Member Sophie Rice
Council Member Ben Southworth
Mayor Kim V. Rolfe

_____	_____
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CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of _____, 2015, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC
City Clerk/Recorder

[SEAL]

Legislative

13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P

Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	<u>P</u>	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C

Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

(2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-09, 5-14-2014; Ord. 15-____, 08-12-2015)



Melanie S. Briggs, MMC
City Clerk
8000 South Redwood Road
West Jordan, Utah 84088
801-569-5117
Fax 801-563-4716

July 17, 2015

Foursquare Properties
Dan Milich
5850 Avenida Encinas, Suite A
Carlsbad CA 92008

Dear Mr. Milich:

The City of West Jordan City Council will hold a public hearing Wednesday, August 12, 2015, at 6:00 p.m. at West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to consideration and approval to amend the 2009 West Jordan Municipal Code, Title 13, to allow 'Gasoline Service Station' in the C-M (Heavy Commercial) Zoning District, City-wide applicability, Foursquare Properties, Inc./Dan Milich, applicant.

You are invited to attend the Public Hearing and take part in the discussions and voice any support or concerns you may have. Items may be moved on the agenda or tabled by the City Council. Copies of the agenda packet for this meeting will be available at the West Jordan libraries and on the City's website www.wjordan.com approximately 4 days prior to the meeting.

If you have any questions, please feel free to call me at 801-569-5117.

Sincerely,

Melanie S Briggs, MMC
City Clerk

Cc: Planning Department
File



Melanie S. Briggs, MMC
City Clerk

8000 South Redwood Road
West Jordan, Utah 84088
(801) 569-5117
Fax (801) 563-4716

THE CITY OF WEST JORDAN, UTAH
NOTICE OF PUBLIC HEARING

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Published this 21st day of July 2015
Melanie S Briggs, MMC
City Clerk

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

Deseret News

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PROOF OF PUBLICATION

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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CITY OF WEST JORDAN, MELANIE BRIGGS 8000 S REDWOOD RD WEST JORDAN, UT 84088	9001403739	7/21/2015

ACCOUNT NAME	
CITY OF WEST JORDAN,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8015695115	0001040446 /
SCHEDULE	
Start 07/21/2015	End 07/21/2015
CUST. REF. NO.	
Public Notice 7/21	
CAPTION	
THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jor	
SIZE	
40 Lines	1.00 COLUMN
TIMES	RATE
2	
MISC. CHARGES	AD CHARGES
TOTAL COST	
55.00	

THE CITY OF WEST
JORDAN, UTAH
NOTICE OF PUBLIC
HEARING

The City of West Jordan City Council will hold a public hearing Wednesday, August 12, 2015, at 6:00 p.m. at West Jordan City Hall 8000 South Redwood Road, 3rd Floor, Council Chambers, to receive public comments prior to consideration and approval to amend the 2009 West Jordan Municipal Code, Title 13, to allow "Gasoline Service Station" in the C-M (Heavy Commercial) Zoning District, City-wide applicability, Four Square Properties, Inc./Dan Milich, applicant. More information at www.wjordan.com or you can email questions to info@wjordan.com. Copies of the City Council agenda packet for the items listed below will be available at the City offices or on the City Council Agenda webpage the Friday prior to the meeting. Published this 21st day of July 2015
Melanie S Briggs, MMC
City Clerk
1040446 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF THE CITY OF WEST JORDAN, UTAH NOTICE OF PUBLIC HEARING The City of West Jordan City Council will hold a public hearing Wednesday, August 12, 2015, at 6:00 p FOR CITY OF WEST JORDAN, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

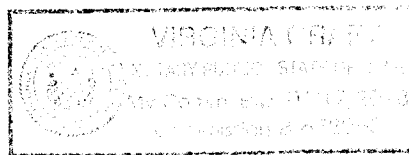
PUBLISHED ON Start 07/21/2015 End 07/21/2015

SIGNATURE

Handwritten signature

DATE 7/21/2015

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT



Handwritten signature: Virginia C. Giff

NOTARY SIGNATURE

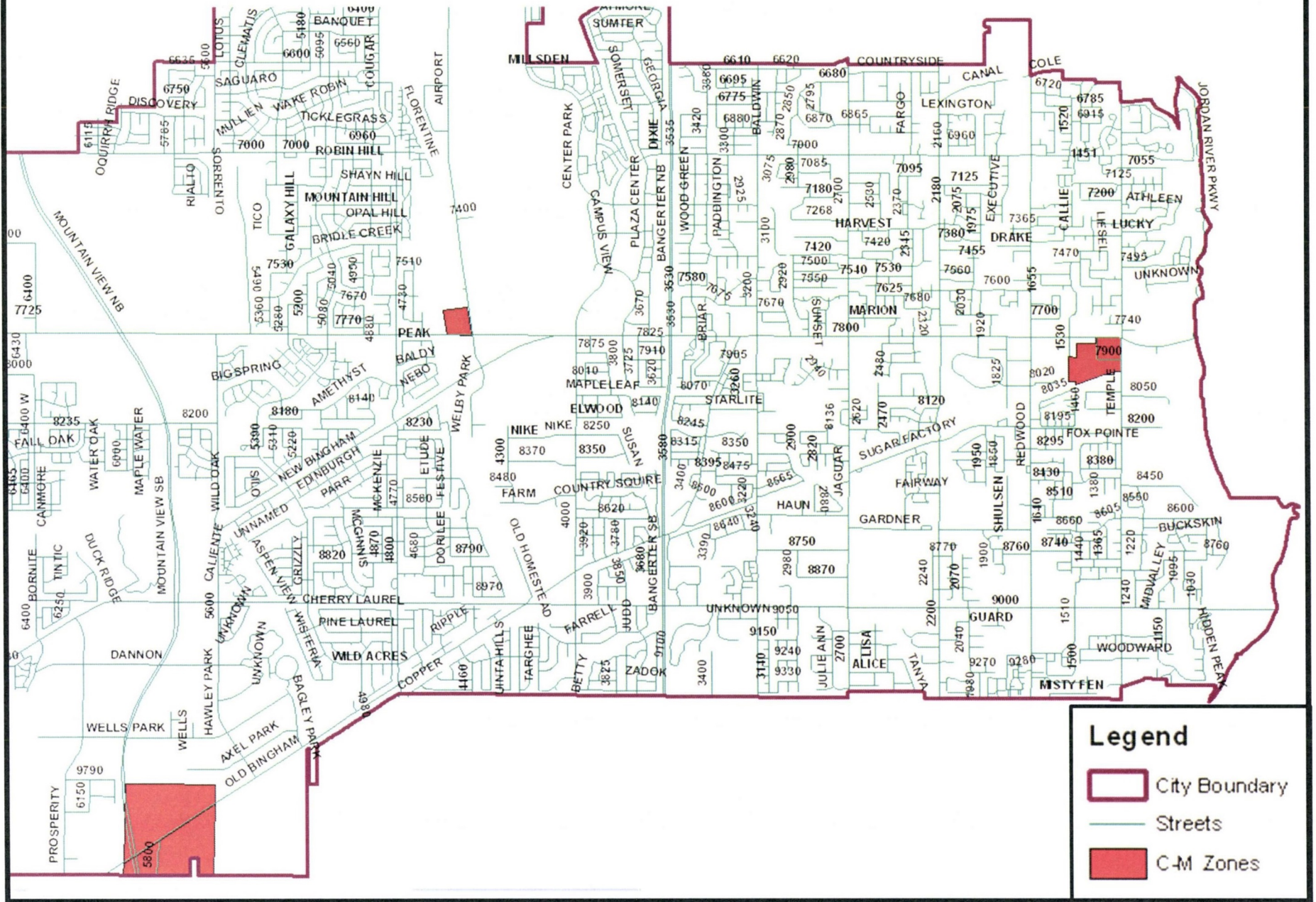


Exhibit A

C-M Zoning Districts

ZONING TEXT AMENDMENT - PROJECT DESCRIPTION

CM ZONE

May 19, 2015

The intent of this application is to request a Zoning Text Amendment for the CM Zone. This request is to allow "Gasoline Service Station" uses by right in this zone.

Attached are exhibits showing the location of the site which is the subject of this Zoning Text Amendment request – 4606 West 7800 South, and other required application materials. This site was previously reviewed by city staff at a Pre-Application conference at which the following potential development scenario was considered: concrete tilt up buildings for commercial, light industrial and manufacturing uses on this site; and a gas station / convenience store use on the hard corner of West 7800 South and Airport Road.

Currently, this site is zoned CM and has a Land Use designation of Research Park.

The ultimate development goal for this site is to build out approximately 8.5 acres of this parcel with: concrete tilt up buildings to support light industrial / manufacturing / commercial uses allowed in this zone; and provide the required supporting site development standards (i.e., parking, loading, setbacks, landscaping, etc.) for this use. The remaining approximately 1.5 acres at the hard corner of Airport Road and W 7800 S is proposed as a Gas Station, with Convenience Market and potentially "quick service" type food (i.e., Subway, Taco Bell, or typical food items found in 7 – 11 stores, or similar).

We intend to propose a site development scenario that is otherwise compliant with all standards / requirements of the CM zone.

We appreciate your support of this Zoning text Amendment request.

Dan Milich
Director of Development
Foursquare Properties, Inc.
760 859 1126

ZONING TEXT AMENDMENT
CM ZONE
4606 West 7800 South

Introduction

On March 12, 2015 we met with city staff to review our Pre-Application submittal for the 10.29 acre site located at the NE corner of West 7800 South and Airport Road. The following potential development scenario was considered at this meeting: concrete tilt up buildings for commercial, light industrial and manufacturing uses on this site; and a gas station / convenience store use on the hard corner of West 7800 South and Airport Road.

One of the primary objectives of this meeting was to determine if a Gasoline Service Station could be considered on this site. We were informed by staff that a Gasoline Service Station was not a listed use in this Zoning category.

The City's zoning code permits "Gasoline Service Station" uses by right in all other commercial zones (i.e., the C-G, SC-1, SC-2 and SC-3 zones).

Instead of re-zoning the property, we are proposing this Zoning Text Amendment to bring the CM zone into alignment with all other Commercial zones relative to allowing Gasoline Service Stations by right.

A Zoning Text Amendment shall be approved only if:

1. The proposed amendment conforms to and is consistent with the adopted goals, objectives and policies set forth in the city general plan;

The primary goal in determining future land uses is to determine development patterns which build upon already existing and established patterns. It is also meant to provide for effective, appropriate, and sustainable uses of land in a way that best promotes compatibility between those uses and maintains the goals of the General Plan.

This site is bordered by Salt Lake City Municipal Airport Number 2 to the north; Airport Road followed by Salt Lake City Municipal Airport Number 2 to the east; 7800 South Street followed by vacant / undeveloped land to the south; and Utah UDOT facility 231 to the west.



The General Plan contains stated Goals, and Policies and Objectives in order to obtain those goals.

Below is an excerpt from the Commercial Land Use section of the City's Comprehensive General Plan (**emphasis added**):

"GOAL 1. EVALUATE AND UPDATE SECTIONS OF THE ZONING ORDINANCE RELATING TO COMMERCIAL DEVELOPMENT.

Policy 1. Develop an identifiable hierarchy of commercial areas within the city comprised of neighborhood commercial, community commercial, and regional commercial nodes.

Implementation Measures

1. Repeal the General Commercial (C-G) zoning category and rezone area with that designation to either SC-2, SC-3, or C-M as appropriate. Upon re-designation of the General Commercial zone (C-G), classify uses that were unique to the zone as either conditional or permitted uses in the most applicable commercial zone.

2. Conduct a redevelopment corridor study along Redwood Road to determine future zoning designations and identify infill development opportunities.

3. Encourage a wider range of commercial uses in Community Commercial (SC-2) and Regional Commercial (SC-3) zones.

4. Expand the permitted and conditional uses within the Heavy Commercial (C-M) zoning district to allow for a more flexible and economically viable district.

2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification of this title;

Allowing Gasoline Service Stations as a permitted use within the CM Zone brings this zone into alignment with all other commercial zones in the city (i.e., all other commercial zones in the city permit Gasoline Service Stations by right). The August 2013 "Retail Market Study and Analysis – City of West Jordan" prepared by Zions Bank Public Finance, stated the following, "Areas of opportunity for West Jordan to capture lost sales where residents are leaving the City to Purchase goods elsewhere include: Gasoline Stations" (amongst a list of 5 other items).

3. The proposed amendment will not create a conflict with any other section or part of this title or the general plan;

A text amendment to allow Gasoline Service Stations as permitted by right in the CM zone is consistent with applicable requirements of the Zoning Ordinance and the City's General Plan. Based on the uses characteristic of this zone (including: assembly plants; machine shops; auto repair facilities; building materials stores and yards), conflicts are not anticipated with other potential uses or applicable provisions of the Zoning Ordinance or General Plan.

4. The proposed amendment does not relieve a particular hardship, not does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

The proposed amendment is to the text of the Zoning Ordinance. All parcels in the City that have a CM zoning designation will have benefit of this proposed Zoning Text Amendment request.

The proposed amendment is consistent with other city codes, ordinances, and adopted plans.

13-5E-3: PERMITTED AND CONDITIONAL USES:

PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section 13-8-12 of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		

Text Amendment

Exhibit D

Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P	<u>P</u>	P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P

Text Amendment

Exhibit D

Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

Text Amendment

Exhibit D

5. **Text Amendment – Amend the West Jordan Municipal Code Title 13 to allow “Gasoline Service Station” in the C-M (Heavy Commercial) Zoning District; City-wide applicability; Foursquare Properties, Inc./Dan Milich (applicant) [#TA20150003]**

Dan Milich, applicant with Foursquare Properties, said the purpose of the request is to move forward with the vacant parcels within the Jordan Landing property holdings. While this application isn't specific to any particular property, they have a C-M parcel west of Jordan Landing with a party who is interested in a gasoline service station use. They are in support of staff's recommendation and have worked closely with staff to process the application. They have been pleased with the efficient manner in which staff has been working with them. He said they talked about all of their alternatives with staff during a pre-application meeting. The C-M zone is a heavy commercial zone and the only commercial zone where gas stations are not permitted outright. So they felt that a text amendment was appropriate rather than a rezoning.

Nannette Larsen said the proposal is to allow gas station services as a permitted use in the C-M zone, which is to correct an oversight. They currently aren't allowed in this district even though it is considered a more intense type of use than Neighborhood, Community, or Regional Shopping Center zones, which do permit them. There are three separate C-M districts within the city with approximately 32 separate parcels.

Staff recommended that the Planning Commission accept the findings contained in the staff report and forward a positive recommendation to the City Council for the proposed text amendment.

Dan Lawes said there is a C-M zone on 1300 West and 7800 South that currently has a gas station, and he asked if staff was aware of any concerns or complaints regarding that more intensive use.

Nannette Larsen said she hadn't heard of anything.

Kelvin Green said the C-M zone is commercial/manufacturing. He asked how much analysis was done to determine if the exclusion from the C-M zone had to do with the proximity of manufacturing uses next to a gas station that may be hazardous. He asked if this could have been excluded on purpose because of the manufacturing nature of the area.

Nannette Larsen said she wasn't involved in the initial creation of the C-M district, so she can't say for certain. However, it seemed to her that it was an oversight because even in the C-G (General Commercial) districts that are also located close to manufacturing types of uses gasoline service stations are permitted. Also, on page 4 of the staff report it shows that gasoline and fuel storage and sales is a conditional use in both the C-G and C-M zoning districts.

Larry Gardner clarified that gasoline storage and sales is storing larger amounts of fuel stored on a site.

David Pack asked if granting this would set a precedent or create any liability or problems down the road.

Larry Gardner said he didn't see any detrimental effect unless they didn't want more gas stations in other areas of the city. Gas stations are based upon market, need, and proximity; he didn't see the entire zone becoming a gas station.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

Zach Jacob followed up with the question regarding concerns with gas stations being near manufacturing areas.

Dan Lawes felt that it would support that kinds of use based on the nature of the traffic that goes through a manufacturing district.

Larry Gardner said gas stations are permitted in the M-1 zone.

Josh Suchoski said if you are allowed to store fuel tanks for your own industry in a C-M zone already, then he felt it would only be a benefit to the area and not a detriment.

MOTION: Josh Suchoski moved based upon the findings set forth in the staff report and upon the evidence and explanations received today to forward a positive recommendation to the City Council for the proposed text amendment to Title 13 of the 2009 City Code as addressed in the staff report relating to the Heavy Commercial C-M district. The motion was seconded by Zach Jacob and passed 6-1 in favor with Kelvin Green casting the negative vote.



CITY OF WEST JORDAN
COMMUNITY DEVELOPMENT APPLICATION
8000 South Redwood Road
(801) 569-5180

Sidwell # _____ Acreage _____ Lots: _____ Zoning: _____

Project Location: _____

Project Name: SL INDUSTRIAL ZONING TEXT AMENDMENT

Type of Application: ☐ Subdivision ☐ Conditional Use Permit
☐ Site Plan ☐ General Land Use Amendment
☐ Rezone ☐ Agreement
☐ Condominium ☒ Other: ZONING TEXT AMENDMENT

Applicant: DAN MILICH Company: FOUR SQUARE PROPERTIES INC.

Address: 5650 AVENIDA ENCINAS, SUITE A

City: CARLSBAD State: CA Zip: 92008

Telephone: Office: 760 659 1126 Cell: 760 644 5119

Email: DAN.MILICH@FSBP.COM

Property Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Office: _____ Cell: _____

Email: _____

Engineer: IZAB POITIER Company: MCHEIL ENGINEERING

Address: 8610 SOUTH SANDY PARKWAY, SUITE 200

City: SANDY State: UT Zip: 84070

Telephone: Office: 801 255 7700 Cell: 801 255 7700

Email: IZAB@MCHEILENG.COM

Architect: _____ Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: Office: _____ Cell: _____

Email: _____

SIGNATURE: [Signature] DATE: 5/19/15

Project #: TA20150003 Date: 5/28/15
Received By: ODA Lg PLANNING ENGINEERING

Revised 9/1/14

Application
Exhibit F